HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.11042 of 2006

Dated: 15-06-2006

Between:

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Ravula Narasimha Reddy

… Petitioner/s

and

The Divisional Forest Officer(South),

Warangal, Warangal District and others.

…Respondent/s

HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.11042 of 2006

O R D E R :

This writ petition is filed questioning the orders passed by the Divisional Forest Officer (South), Warangal rejecting the representation of the petitioner dated 24-3-2006, which is made pursuant to the orders of this Court passed in writ petition being W.P.No.18750 of 2004, dated 24-2-2006.

The petitioner and others claim to be the owners and possessors of the land in an extent of Acs.47-00 in Sy.No.165 and Acs.35-00 in Sy.No.154 of Chinamupparam Village of Nellikuduru Mandal in Warangal District. He claims their rights over the said land on the ground that they have purchased the land in question in the year 1963 and since then they are in continuous possession and enjoyment of the same. Pleading interference by the Forest officials, the petitioner and others have earlier filed a writ petition, which ultimately resulted in passing of the orders in proceedings Rc.No.1988/2000/S2, dated 13-2-2004. Again the said order came to be questioned before this Court in W.P.No.18750 of 2004. The said writ petition was disposed of by

order dated 24-2-2006, setting aside the proceedings dated 13-2-2004 with a direction to the respondents to consider the claim of the petitioner and others in accordance with law and pass appropriate orders afresh by giving opportunity of personal hearing. At the same time, this Court also granted liberty to make a fresh representation with regard to their claim along with supporting material within a period of four weeks.

It is the case of the petitioner and others that though a representation was made on 24-3-2006 enclosing the necessary material in support of their claim with regard to their rights over the land covered by Sy.Nos.154 and 165 of Chinamupparam Village of Nellikuduru Mandal in Warangal District, the Divisional Forest Officer (South), Warangal, without examining the matter afresh as directed by this Court, merely passed orders rejecting the claim on the ground that the representation filed by the petitioner and others is not within the time granted by this Court in W.P.No.18750 of 2004, dated 24-2-2006. Hence the present writ petition.

Heard learned counsel for the petitioner and the learned Government Pleaders for Revenue and Forest.

The order dated 13-2-2004 was passed by recording a finding that the land covered by the entire area in Sy.Nos.154 and 165 in Chinamupparam Village of Nellikuduru Mandal in Warangal District is part and parcel of the Block Dhasari Reserve Forest and the same was notified accordingly. However, though the said order is set aside, no finding is recorded to treat the land covering the above said two survey numbers as part and parcel of the Forest land. In the light of the directions issued by this Court, the respondents ought to have passed a reasoned order to reject the claim of the petitioners and to say that the land in question for which the claim is made by the petitioner and others is a notified forest area. Even otherwise also, strictly speaking, it cannot be said that the application is a belated one. In any event, having regard to the comprehensive directions issued, the Divisional Forest Officer (South), Warangal, ought to have considered the matter on merits and should have passed orders by recording a finding after considering the relevant material in this regard in support of the plea that the area is part and parcel of the notified forest Block,

inasmuch as, the earlier orders are set aside by this Court, the Divisional Forest Officer has not considered the matter on merits and simply passed an order only on the ground that there was one day delay in filing the application.

In view of the above, I deem it appropriate to remit the matter for fresh consideration by the authority. Accordingly, the proceedings in Rc.No.1988/2000/S2, dated 3-5-2006 is set aside and the Divisional Forest Officer (South), Warangal, is directed to pass orders in the light of the directions issued by this Court in W.P.No.18750 of 2004, dated 24-2-2006 by fixing the date of enquiry and also by giving opportunity of personal hearing to the petitioner and others. Till then, the *status quo* obtaining as on today shall be maintained with regard to possession of the land in question.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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(R. SUBHASH REDDY,J)

15-06-2006.

NOTE : Issue C.C. by 20-6-2006.

(B/O)

Msr.

HON'BLE SRI JUSTICE R. SUBHASH REDDY

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Dated: 15-06-2006

(Msr)